



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to H.B. 620**  
**RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Hearing Date: February 10, 2015 Room Number: 325  
Time: 8:30 a.m.

1 **Fiscal Implications:** No funding is provided to develop rules and implement the measure.

2 **Department Testimony:** The Department of Health respectfully opposes this measure.

3 First, the legislative intent of the measure appears to be the protection of consumers from false or  
4 fraudulent advertising and ensure a fair market for businesses. If this is the intent, then the Department  
5 recommends that this requirement be inserted with consumer protection laws and defer to the  
6 Department of Commerce and Consumer Affairs on the content of the measure.

7 Second, from a waste perspective, we believe that this labeling requirement and new regulatory  
8 program would affect less than 1% of the plastic waste stream and only assist composters, who decide  
9 to accept biodegradable plastics for composting. In general, composting facilities are currently not  
10 accepting plastic materials. There are small pilot projects that compost post-consumer food waste and  
11 utensils from special events where segregation of other wastes can be better controlled, but no other  
12 types of plastics are accepted.

13 We believe implementing a regulated labeling program for the purposes of waste management is  
14 premature at this time. Instead we believe a comprehensive solid waste management plan is more  
15 appropriate to further evaluate the waste streams most appropriate for diversion and utilize our limited  
16 funding on those issues.

17 Third, the Department opposes this measure because we do not have the resources to enforce the  
18 proposed recycling requirements. The proposed new requirements will require oversight over a new set  
19 of regulated entities, not ones that we already regulate under HRS 342G or H. Our solid waste  
20 enforcement staff is primarily funded by the collection of the solid waste management surcharge, which  
21 its collective revenue decreased over recent years. In order to accommodate reduced solid waste  
22 surcharge revenue and increased personnel costs, we have already cut or reduced services, such as  
23 state-wide solid waste management planning, compliance monitoring of solid waste facilities,  
24 enforcement of battery and tire retailers, and municipal solid waste landfill operator training.

1 Thank you for the opportunity to testify on this measure.

2 **Offered Amendments:** None

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Feb. 8, 2015

Committee Chair & Members of Energy and Environmental Protection (EEP)

**RE: Strong Support for HB620 – Relating to Biodegradable Plastic Products – Strong Support**

**Hearing on Tue., Feb. 10, State Capitol, Conf. Rm. 325, 8:30am.**

Dear Chair Lee, Vice Chair Lowen, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, I'm writing in strong support passage of HB620. We helped draft this bill to help companies and consumers better understand and deal with so-called "biodegradable" products, which are often mislabeled and lead to plastic pollution and health issues. Working with a number of groups, we formed the Rise Above Plastic Coalition, which includes organizations like Styrophobia, Conservation Council for Hawaii, Sustainable Coastlines, Surfrider, Kokua Hawaii Foundation and many other groups who are committed to reducing plastic pollution.

Although biodegradable items may seem to reduce the wide usage of plastics and their environmental and health hazards, biodegradable plastics are actually more damaging to the environment because they break down into toxic micro-plastics. This oxymoronic term also misleads consumers and all those who are led to believe that "biodegradable" products are the same as "compostable" products. Biodegradable food service items are still up to 97% plastic. Designed to break down to micro-plastics, this process creates a greater threat to marine and terrestrial life, as it contaminates the food chain when organisms mistake the micro-plastics for food. Food service products defined as "biodegradable" present an even greater danger to the environment than plastics because they break down faster than conventional plastics and leave micro-plastics in the soil and water that cannot be seen or cleaned up.

Consumers try to be more eco-friendly by purchasing products that are labeled and advertised as "biodegradable." But "biodegradable," "degradable," and "decomposable" labels have almost no standards to verify that the products will truly decompose. Only products that are "certified compostable" have been scientifically proven to biodegrade by measurable, verifiable, and certifiable ASTM (American Society for Testing Materials) D6400 standards. These standards require products to: 1. break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper; 2. disintegrate into small pieces within 90 days so that the original product is not visually distinguishable in the compost; and 3. leave no toxic residue.

Compostable products not only require less fossil fuel to manufacture, but burn more efficiently than plastics. Whether they are burned, composted or put in a landfill, they are less toxic and harmful than so-called "biodegradable" plastics, which is really an oxymoron. This bill offers eco-friendly alternatives to plastics with labeling that is more transparent. Having these "compostable" standards mandatory for any product sold or manufactured in Hawaii will ensure a fair market for businesses, protect consumers, preserve the environment, and have less of an impact on the environment than conventional plastics. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,  
Stuart Coleman  
Stuart H. Coleman  
Hawaii Regional Manager

Surfrider Foundation Hawaii Chapters \* 2121 Algaroba St., #1107 \* Honolulu, HI 96826  
808-381-6220 \* [scoleman@surfrider.org](mailto:scoleman@surfrider.org) \* [www.surfrider.org](http://www.surfrider.org)

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 10<sup>th</sup>, 2015

8:30 AM

Conference Room 325

In Opposition of House Bill No. 620

Committee Members:

Island Plastic Bags, Inc. (IPB) opposes HB620. ASTM D6400 is a standard specification for compostability. The specification created a definition of compostability used by governments, businesses, and consumers. It does not define the terms biodegradable, degradable, or decomposable. ASTM International never intended the specification to define these terms and using it for this purpose is a misuse of the specification.

To be considered compostable under ASTM D6400, a product must biodegrade within 90 days within a composting facility. There are green products that are meant to biodegrade but do not do so within that timeframe and under those conditions. Certain biodegradable technologies are meant to end up in a landfill and biodegrade over a period of years. Using ASTM D6400 as the definition of biodegradable would prohibit the marketing and sale of these biodegradable products which would hurt Hawaii businesses and consumers.

ASTM International is currently working on defining biodegradable for the industry. The following are working drafts on defining biodegradability:

- (Working Draft) WK29802 - New Specification for Aerobically Biodegradable Plastics in Soil Environment
- (Working Draft) WK34780 - New Specification for Plastic Materials that Degrade in Landfills
- (Working Draft) WK35342 - New Specification for Home Composting of Biodegradable Plastics

The State of Hawaii should wait until ASTM International turns these working drafts into standard specifications. Once these working drafts become standard specifications, the industry and governments will have an industry wide standard to which we can compare different biodegradable technologies. Until that time, the State of Hawaii should not unnecessarily restrict the marketing and sale of biodegradable technologies by comparing them to a standard that was never meant to evaluate biodegradable products.

Sincerely,

Adrian K. Hong, President

Island Plastic Bags, Inc.

Rafael Bergstrom  
Surfrider Foundation Oahu Chapter  
HB 620  
EEP, February 10<sup>th</sup> 2015, 8:30AM  
Strong Support

As our community moves towards a more sustainable future in which we take special consideration for protecting our natural resources by reducing our consumption of single use plastic items, it is important to have uniform definitions to create standards with. At present the term "biodegradable" can be used frivolously and provide loopholes in which products still contain over 90% plastic, and easily break into smaller pieces. By having standards by which we describe these products we will be sure that "green washed" items are not making it into our product and waste streams. Certified compostable products are actually capable of breaking down into natural components that do not contaminate our environment as many plastic products do.

The Surfrider Foundation Oahu Chapter strongly supports this reform of standards that will aid in the protection of our precious natural resources.

Mahalo for your time and support of this bill.

Cheers,  
Rafael Bergstrom  
Oahu Chapter Coordinator, Surfrider Foundation

Jodi Malinoski  
Surfrider Foundation Oahu Chapter  
Committee of Energy and Environmental Protection  
Tuesday, February 10<sup>th</sup>, 8:30 AM in Room 325  
Bill HB 620: Biodegradable Plastic Products  
Strong Support of HB 620

Dear Chair Lee and Vice Chair Lowen,

Aloha, my name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of House Bill 620.

Biodegradable items were adopted in order to eliminate the wide usage of plastics that present environmental and health hazards. However, biodegradable plastics are more damaging to the environment than regular plastics and also mislead the public, who believe that "biodegradable" products are the same as "compostable" products. Biodegradable food service items still contain 34-97% plastic. These products are designed to break down to micro-plastics, which creates a greater threat to marine life, as it allows organisms that are much lower on the food chain to be contaminated by mistaking the micro-plastics for food. Food service products defined as "biodegradable" present an even greater danger to the environment than plastics because they break down faster than conventional plastics and leave micro-plastics in the soil and water that cannot be seen or cleaned up.

This marketing of products as “biodegradable,” “degradable,” and “decomposable” is not only dangerous to the environment, but is also misleading to consumers who think they are purchasing products that are going to naturally break down

. As consumers become more eco-friendly, they are purchasing products that are advertised as such. However, the labeling of products as “biodegradable,” “degradable,” and “decomposable” have no standards to verify that the products will truly decompose. Plastics do break down into smaller and smaller pieces, but are estimated to stay in the environment for 300-1000 years. Only products that are “certified compostable” have been scientifically proven to biodegrade by measurable, verifiable, and certifiable ASTM (American Society for Testing Materials) D6400 standards.

ASTM D6400 states that: Under a managed composting program, the product must:

1. break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper,
2. disintegrate into small pieces within 90 days, so that the original product is not visually distinguishable in the compost
3. leave no toxic residue

Compostable products not only require less fossil fuel to manufacture, but burn more efficiently than plastics, and break down in a managed composting program. This law makes environmentally-friendly alternatives to plastics more transparent. Having these “compostable” standards mandatory for any product sold or manufactured in Hawaii will ensure a fair market

for businesses, will protect consumers who want to protect the environment, and have less of an impact on the environment than conventional plastics.

On behalf of the Rise Above Plastics Coalition, thank you for the opportunity to show support for HB 620.

Warmest Mahalo,

Jodi Malinoski



# Beach Environmental Awareness Campaign Hawai'i

*P.O. Box 25284 · Honolulu · Hawai'i · 96825*

*(808) 393 2168 · [www.b-e-a-c-h.org](http://www.b-e-a-c-h.org)*

DATE: 9th February, 2015.

TO: Chair Chris Lee, Vice-Chair Nicole Lowen and Members of the Committee on Energy and Environmental Protection

FROM: Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN SUPPORT OF HB620**

Relating to Environmental Protection. Requires plastic products labelled as biodegradable, degradable, decomposable or compostable to meet ASTM D6400 standards.

Committee meeting on Tuesday 10th February, 2015 at 8:30AM.

Aloha Chair Lee, Vice-Chair Lowen and Committee Members,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) supports HB620. This bill is important to ensuring that the public is not misled by the false and misleading claims that a plastic item can biodegrade in the environment.

Having plastic fragment or degrade is not helpful to the environment - it's not a good thing. It is very, very bad as small fragments of plastic are very difficult to pick up at the beach and are impossible to remove from the ocean. Adding some starch to plastic to make it look like it biodegrades is only about tricking the public into believing a plastic item is biodegradable, but the plastic remains. Plastic cannot biodegrade. It only photodegrades. Plastic lasts forever.

Therefore the information on the first page of this bill "many plastic products are now compostable and biodegradable" is problematic and misleading. No petrochemical plastic product is compostable or biodegradable. Plenty pretend to be but they are not. There are some items which are made from corn, sugar cane or other vegetable/natural source which are compostable and have unfortunately been labelled "plastic". If this section of the bill is referring to compostable products made from sugar cane, corn etc. it needs to be clear so that people are not confused and think that it is referring to what most of the public think of as plastic.

The standard ASTM D6400 refers only to compostable products and is not applied to products that claim to be biodegradable, degradable or decomposable. This standard applies only to products that completely compost and they don't contain what the public understands as plastic.

It would be clearer and simpler to ban the use of the words "biodegradable" and "degradable" on all plastic products and items in Hawai'i as California has done very successfully. Thank you for the opportunity to provide written testimony in support of HB620.

Sincerely,



Suzanne Frazer.

President, B.E.A.C.H.

## EEPttestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, February 07, 2015 2:10 PM  
To: EEPtestimony  
Cc: zacharyhitchcock@yahoo.com  
Subject: Submitted testimony for HB620 on Feb 10, 2015 08:30AM

### **HB620**

Submitted on: 2/7/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary Hitchcock	Individual	Support	No

Comments: Zachary Hitchcock, Chairman, Surfrider Oahu Chapter 1533 Artesian Way Honolulu, HI 96822 Dear Legislature, Misinformation runs rampant within the packaging and plastics industry that label their products as Biodegradable. These industries must be held to standards that truly label their products as Biodegradable. The ASTM D6400 standards must be applied and enforced to give consumers information towards the products they use. Please, consider this bill to elevate the standards for Biodegradable products. Sincerely, Zachary Hitchcock 808-222-6960

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Aloha Chair and Committee members,

I strongly support Bill 620. As a consumer, I want to do the right thing and choose products that do not clog up our landfills for many generations to come. It is impossible to do so without regulations that require products to have accurate labeling. Thank you for making it easier for us to do the right thing.

Thank you, Lisa Marten

## EEPttestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 8:51 AM  
To: EEPtestimony  
Cc: justpeachy242@yahoo.com  
Subject: \*Submitted testimony for HB620 on Feb 10, 2015 08:30AM\*

### **HB620**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fawn Liebengood	Individual	Support	No

### Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 3:43 PM  
To: EEPtestimony  
Cc: jmccay@hotmail.com  
Subject: Submitted testimony for HB620 on Feb 10, 2015 08:30AM

**LATE**

**HB620**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James McCay	Individual	Support	No

Comments: I have been cleaning the beaches here for years. Recently I am find more and more of these "biodegradable" plastic bags - clearly labeled, and totally misleading and a lie. Please pass this bill and help to create a more positive education to protect the lovely place we're lucky to live in, and responsible to protect. Mahalo, James McCay 2957 Kalakaua Ave Honolulu HI 96815

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lowen2-Thomas

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 3:47 PM  
To: EEPtestimony  
Cc: kenzen808@gmail.com  
Subject: Submitted testimony for HB620 on Feb 10, 2015 08:30AM

**LATE**

**HB620**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Sentner	Surfrider Foundation	Support	Yes

Comments: Pass this bill to assure that counties' bag bans are not circumvented and provide standardized specifications to lessen confusion.

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**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



Testimony Submitted to the  
House Committee on Energy and Environmental Protection  
Hearing: Tuesday, February 10, 2015 8:30 am, Room 325  
In Support of HB 620 Relating to Environmental Protection

**LATE**

Aloha, Chair Lee, Vice Chair Lowen, and Members of the Committee. The Conservation Council for Hawai'i supports HB 620, which requires plastic products labeled as "biodegradable," "degradable," "decomposable," or "compostable" to meet ASTM D6400 standards.

Although marketed as environmentally friendly, products that are labeled as "biodegradable" can be made from up to 95% plastic.

The labeling of products as "biodegradable," "degradable," and "decomposable" is misleading because these have no standards to verify that the products will truly break down and leave no persistent synthetic residues.

Only products that are "certified compostable" have been scientifically proven to biodegrade by the measurable, verifiable, and certifiable ASTM D6400 standards.

ASTM D6400 states that under a managed composting program, the product must:

- break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper;
- disintegrate into small pieces within 90 days, so that the original product is not visually distinguishable in the compost; and
- leave no toxic residue.

Having these standards mandatory for products sold or manufactured in Hawai'i will protect consumers who want to protect the environment.

Please kokua. Mahalo for the opportunity to testify.



Sincerely,

*Marjorie Ziegler*

Marjorie Ziegler

*Conservation Council for Hawai'i is a nonprofit, environmental membership organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations.*

*Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists, government agencies, and elected officials.*

*Through research, education, service, organizing, and legal advocacy, CCH works to stop the destruction of native wildlife and wild places in Hawai'i.*

*Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.*

Telephone/Fax: 808.593.0255 | email: [info@conservehi.org](mailto:info@conservehi.org) | web: [www.conservehi.org](http://www.conservehi.org)  
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Hannah Kihalani Springer | Vice-President: Julie Leialoha | Treasurer: Bianca Isaki | Secretary: Wayne Tanaka  
Directors: Rick Barboza | Ryan Belcher | Maka'ala Ka'aumoana | Koalani Kaulukukui  
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 8:36 PM  
To: EEPtestimony  
Cc: babyjean@hotmail.com  
Subject: Submitted testimony for HB620 on Feb 10, 2015 08:30AM

**LATE**

**HB620**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnie Perry	Individual	Support	No

Comments: I strongly support this bill. Mahalo, Ronnie Perry

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I have attended several hearings related to plastics, and the one thing I hear repeatedly from testifiers, including county, and state employees, is that the lack of clear standards for the array of plastic products claiming to be environmentally friendly makes enforcement nearly impossible and confuses consumers. The legal mandate for plastic products marketed as “biodegradable”, “decomposable,” or “degradable” to be labeled properly with an internationally accepted industry standard for compostability like d6400, is the only way to ensure that the state is not complicit in encouraging products that are knowingly misleading to those consumers wishing to use environmentally responsible products and causing unintended environmental damage in the process.

It is an important distinction that this bill does not call for a ban to any particular product. Merely, it requires that products claiming to be environmentally responsible can be held to measurable, verifiable standards like that of certified compostable.

In the long-term vision of Hawaii’s waste management, the future holds large scale composting for Hawaii, and keeping petroleum-based, plastic products out of that stream is essential to the success of such a program. Contamination by products not fit for a composting facility will ruin entire batches of product. For the state to ensure that it is taking legitimate and effective steps toward managing its waste responsibly, effective labeling is an essential early measure.

Jennifer Milholen

Honolulu, HI 96816

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 09, 2015 10:02 PM  
To: EEPtestimony  
Cc: anthuriumz@hotmail.com  
Subject: Submitted testimony for HB620 on Feb 10, 2015 08:30AM

**LATE**

**HB620**

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
wynnie hee	Individual	Support	No

Comments: Yes, please set clear standards for plastic products labeled as biodegradable, degradable, decomposable, or compostable to meet ASTM D6400 standards.

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FROM :

FAX NO. :

Jul. 45 19158 01:32PM P1

DATE: 9<sup>th</sup> February, 2015

TO: Chair Chris Lee, Vice-Chair Nicole Lowen and Members of the  
Committee on Energy and Environmental Protection

FROM: Dean Otsuki  
P.O. Box 25284  
Honolulu, HI 96825

**LATE**

RE: **TESTIMONY IN SUPPORT OF HB620**  
Relating to Environmental Protection. Requires plastic products  
labeled as biodegradable, degradable, decomposable, or compostable  
to meet ASTM D6400 standards

Committee hearing, Tuesday 10<sup>th</sup> February, 2015 at 8:30AM.

Aloha Chair Lee and Members of the Committee on Energy and Environmental  
Protection,

I am writing in support of HB620 because there are so many manufacturers of plastic  
products that claim their plastic products are biodegradable or "good for the  
environment when they are not made of natural compostable materials. Having  
products meet the ASTM D6400 standards for compostability is needed to protect the  
public from being deceived.

Plastic products whether they are in one piece or broken into tiny pieces are  
detrimental for the environment, especially the ocean environment. Plastic never  
biodegrades, only photodegrades into smaller and smaller pieces which may be  
ingested by marine life. Plastic lasts forever. Many plastic products labeled  
biodegradable usually have a natural substance mixed in with the plastic which  
makes the product break down faster but never completely breaks down into  
compost.

In the beginning of the bill the word "plastic product" is associated with the word  
biodegradable and compostable. Plastic could never be biodegradable and  
compostable and I think this would confuse people.

The deception that plastics are biodegradable by plastics manufacturers needs to stop  
and requiring products that are compostable to be labeled with the ASTM D6400  
designation needs to be signed into law. Thank you for this opportunity to provide  
written testimony in support of HB620.

Aloha,



Dean Otsuki